

Exhibit C

Ann C. Flannery

From: Ann C. Flannery
Sent: Tuesday, March 17, 2020 12:34 PM
To: Bologna, Jason (USAPAE)
Cc: christopher.diviny_usdoj.gov
Subject: White outstanding discovery issues

Jason-

In anticipation of the hearing on discovery motions this afternoon, here are the issues that I believe are outstanding with respect to Mitchell White. Please let me know if I have missed anything in the discovery, or if we can resolve any of these prior to the hearing:

1. **Rough notes of Mitchell White's proffers.** I requested these in September; you drew a distinction that I did not understand between proffers and interviews; I gave you a couple of examples of cases in which your office has produced the rough notes of proffers (Fattah – voluntarily; Shulick – by court order) and expressed my opinion that to the extent that the notes differ from the interview reports, they are Giglio. I don't believe I heard back from you after that. At this point, will you agree to produce them?
2. **Information regarding N618** (recordings provided by [REDACTED]). As I've explained to you, I view this exhibit as containing Brady material as to Mitchell White. The DEA report evidencing the receipt (068062) says virtually nothing. The DEA-6 [REDACTED] interview report (128554) that you produced last week doesn't mention the recordings at all, and redacts [REDACTED] contact information. It is simply inconceivable that she turned over recordings without saying a word about them, including who made them and when; who the main speaker(s) was; why and how they were recorded. Indeed, when I first inquired you were able to tell me which AUC office they concerned, even though that does not appear in any produced report that I have found. Any information the government received about the recording – whether in a formal report or not – should be produced as Brady, along with [REDACTED] contact information.
3. **Personnel file for Mitchell White and cooperating defendants.** N258 and N259 are described as unproduced personnel files. I made this request on Feb. 14 and I don't believe you responded.
4. Any information the government has relating to Highland Campbell's (or any witness') **mental disability or illness, drug abuse, or addiction**. This information was requested in Hope's original motion.
5. Please confirm that the **disciplinary files of the agents** anticipated to testify at trial have been checked for any Giglio material.
6. **Statements by cooperating defendants.** I know that it is the policy of your office to conduct a proffer prior to entering a cooperation plea agreement. I did not see any proffer reports in the index that look recent enough to encompass what I would assume were recent proffer statements prior to the recent pleas. I would also ask you to confirm that if these witnesses have anything exculpatory to say about Mitchell White in any witness preparation session prior to or during trial, the statements will be conveyed to me, even if no formal interview report of the witness preparation meeting is prepared.

7. **Criminal records** - I saw your reference to producing criminal extracts a week before trial. In my experience, these extracts are often uninformative as to details that would be necessary to determine the admissibility of a criminal conviction. To avoid unnecessary expense and delay at trial, I will ask the judge to impose an earlier date for this production, unless you are willing to agree to an earlier date.

Thank you,
Ann

Law Offices of Ann C. Flannery, LLC
1835 Market Street, Suite 2700
Philadelphia, PA 19103
215.636.9002
215.636.9899 (fax)
acf@annflannerylaw.com
www.annflannerylaw.com



This message has been sent by a law office and may be a privileged communication.
If this message has reached you in error, please notify the sender immediately
and delete the message.



1835 Market Street
Suite 2700
Philadelphia, PA 19103
215.636.9002
215.636.9899 f
acf@annflannerylaw.com
www.annflannerylaw.com

June 10, 2021

BY EMAIL

AUSA Jason Bologna
United States Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
Jason.Bologna@usdoj.gov

Re: FOLLOW-UP DISCOVERY REQUESTS
United States v. Nikparvar-Fard et al.
Criminal No. 18-101

Dear Mr. Bologna:

Based on my review of the discovery to date, I have the following follow-up questions and requests on behalf of my client Mitchell White. Please provide or advise:

1. N-707 and N-708 (described as DEA-13 and recorded interview of [REDACTED] (I previously requested this in a 2/19/21 email).
2. The following attachments to the September 10, 2015 Department of State Report re the City Line search (report begins at USAO-128259):
 - a. Attachment 5
 - b. Attachment 6
 - c. Attachment 11
 - d. Attachment 12
 - e. Attachment 13
 - f. Attachment 28
3. Missing page 2 from [REDACTED] interview report that begins on USAO128708.
4. Plea agreement, criminal history and any statements by Dr. Marcus Williams (we found only a 9/5/2013 DEA-6).
5. Exhibit referenced as being attached to 7.9.2015 DEA-6 interview report of [REDACTED] which starts at USAO-128484.

AUSA Jason Bologna
June 10, 2021
Page 2 of 2

6. Missing page 4 of DEA-6 interview report of [REDACTED] dated 5.25.16, which starts at USAO-128600.
7. Is there grand jury testimony of [REDACTED]? (A DEA-6 at USAO-128617 references him being served with a grand jury subpoena on June 2, 2016 with an appearance date of June 22, 2016. No grand jury testimony for him was found in the discovery.) Has he been charged/convicted of any crimes? Is there a plea agreement?
8. [REDACTED] patient files (Box 479 Roosevelt Blvd; Box 533 Willow Grove).
9. N-615 – Recorded statement by [REDACTED]
10. Is there grand jury testimony of [REDACTED]? (DEA-6 at USAO 128598 says she was served with grand jury testimony subpoena.)
11. Rough notes of Mitchell White proffer interviews.
12. Any additional *Jencks*, including grand jury testimony and more recent interview reports (since *Jencks* was produced).

Please let me know if you have any questions about these requests, or if the government declines to produce any of the requested documents or information.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Ann C. Flannery". The signature is fluid and cursive, with the first name "Ann" and last name "Flannery" clearly distinguishable.

Ann C. Flannery

Ann C. Flannery

From: Ann C. Flannery
Sent: Tuesday, July 20, 2021 4:50 PM
To: Jason Bologna (Jason.Bologna@usdoj.gov)
Subject: US v. White
Attachments: 21.6.10 ACF Ltr to J Bologna_Discovery requests.pdf

Hi Jason –

Could you please check on the attached discovery requests, sent over five weeks ago? Please let me know if you have any questions.

Thank you,
Ann

We've moved up in the world...two floors. Please note new Suite number, below, for all mail correspondence.

Law Offices of Ann C. Flannery, LLC
1835 Market Street, Suite 2900
Philadelphia, PA 19103
215.636.9002
215.636.9899 (fax)
acf@annflannerylaw.com
www.annflannerylaw.com



This message has been sent by a law office and may be a privileged communication.
If this message has reached you in error, please notify the sender immediately
and delete the message.

Ann C. Flannery

From: Ann C. Flannery
Sent: Wednesday, December 15, 2021 7:18 PM
To: Jason Bologna (Jason.Bologna@usdoj.gov)
Subject: Mitchell White - proffer notes

Jason –

You'll recall that I requested the agent notes for Mitchell White's proffers, and we've had some back and forth on that issue on the phone and in emails. The last communication I have from you (as best I can discern) was in an August 4, 2021 email, in which you advised:

"Eleventh, I have found an email between us regarding the Mitchell White proffers. The email was dated 10/1/20, and it discusses notes, but the email does not reflect the issue we discussed on the phone on August 2, 2021 (i.e., my recollection the agent took notes on his computer, and then converted those notes into the DEA-6 statement). I will keep investigating my notes, and speak to the agent, to confirm my recollection. I anticipate having a more complete answer in the near future."

Could you please either provide the notes or confirm that there are none and why? It appears that there were four agents present, and it seems unlikely that there would be no notes taken and retained by any of them. (My main focus is the proffer on 5/1/17, as it appears that the 11/14/18 proffer was actually a reverse proffer.)

Thank you,
Ann

We've moved up in the world...two floors. Please note new Suite number, below, for all mail correspondence.

Law Offices of Ann C. Flannery, LLC
1835 Market Street, Suite 2900
Philadelphia, PA 19103
215.636.9002
215.636.9899 (fax)
acf@annflannerylaw.com
www.annflannerylaw.com



This message has been sent by a law office and may be a privileged communication.
If this message has reached you in error, please notify the sender immediately
and delete the message.

Ann C. Flannery

From: Ann C. Flannery
Sent: Tuesday, December 21, 2021 7:35 PM
To: Jason Bologna (Jason.Bologna@usdoj.gov)
Subject: Brady/discovery requests

Jason –

As we discussed, please provide:

1. Rough notes of the Mitchell White proffer on 5/1/17, or confirmation that none of the four agents present have retained notes.
2. Last known contact information and identifying information for
 - a. [REDACTED] (see redacted report at USAO-129234)
 - b. [REDACTED] (see redacted report at USAO-129301)

Thank you,
Ann

We've moved up in the world...two floors. Please note new Suite number, below, for all mail correspondence.

Law Offices of Ann C. Flannery, LLC
1835 Market Street, Suite 2900
Philadelphia, PA 19103
215.636.9002
215.636.9899 (fax)
acf@annflannerylaw.com
www.annflannerylaw.com



This message has been sent by a law office and may be a privileged communication.
If this message has reached you in error, please notify the sender immediately
and delete the message.

Ann C. Flannery

From: Ann C. Flannery
Sent: Tuesday, January 18, 2022 5:28 PM
To: Jason Bologna (Jason.Bologna@usdoj.gov); marykay.costello@usdoj.gov
Subject: Mitchell White - proffer rough notes

Jason –

Since at least October 2020, I've repeatedly requested the agents' rough notes of my client's May 1, 2017 proffer. You've said you think there aren't any, but you haven't confirmed this. There were four agents present (DEA, FBI, DoL, and OPM), and it would be surprising for none to have notes of the meeting. Could you please inquire of these agencies and confirm to me that none exist, or produce the notes if they do exist? I would like to resolve this inquiry by the end of the month (or conclude that it can't be resolved), so that I'll know whether I'll need to file a motion on this subject.

Thank you,
Ann

Law Offices of Ann C. Flannery, LLC
1835 Market Street, Suite 2900
Philadelphia, PA 19103
215.636.9002
215.636.9899 (fax)
acf@annflannerylaw.com
www.annflannerylaw.com



This message has been sent by a law office and may be a privileged communication.
If this message has reached you in error, please notify the sender immediately
and delete the message.

Ann C. Flannery

From: Bologna, Jason (USAPAE) <Jason.Bologna@usdoj.gov>
Sent: Wednesday, January 19, 2022 2:00 PM
To: Ann C. Flannery; Costello, Mary Kay (USAPAE)
Subject: RE: Mitchell White - proffer rough notes

Ann,

I am working to resolve the issue you cite in the below email. I anticipate this issue will be resolved by the end of the month.

Sincerely,
Jason

Jason P. Bologna
Assistant United States Attorney
U.S. Attorney's Office for the Eastern District
of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106-4476
(215) 861-8499 (office)
(215) 764-9795 (cell)
(215) 861-8618 (fax)
jason.bologna@usdoj.gov

From: Ann C. Flannery <ACF@annflannerylaw.com>
Sent: Tuesday, January 18, 2022 5:28 PM
To: Bologna, Jason (USAPAE) <JBologna@usa.doj.gov>; Costello, Mary Kay (USAPAE) <MCostello@usa.doj.gov>
Subject: [EXTERNAL] Mitchell White - proffer rough notes

Jason –

Since at least October 2020, I've repeatedly requested the agents' rough notes of my client's May 1, 2017 proffer. You've said you think there aren't any, but you haven't confirmed this. There were four agents present (DEA, FBI, DoL, and OPM), and it would be surprising for none to have notes of the meeting. Could you please inquire of these agencies and confirm to me that none exist, or produce the notes if they do exist? I would like to resolve this inquiry by the end of the month (or conclude that it can't be resolved), so that I'll know whether I'll need to file a motion on this subject.

Thank you,
Ann

Law Offices of Ann C. Flannery, LLC
1835 Market Street, Suite 2900
Philadelphia, PA 19103
215.636.9002
215.636.9899 (fax)
acf@annflannerylaw.com
www.annflannerylaw.com

Ann C. Flannery

From: Bologna, Jason (USAPAE) <Jason.Bologna@usdoj.gov>
Sent: Monday, January 31, 2022 12:09 PM
To: Ann C. Flannery
Cc: Costello, Mary Kay (USAPAE)
Subject: Proffer Notes - Mitchell White

Ann,

I am writing to follow-up on a discovery issue. The DEA agent (Daniel Soeffing) who prepared the DEA-6 for the Mitchell White proffer confirmed he took notes on his computer and, after the proffer ended, he used those notes to write up the DEA-6. Given that approach, there are no handwritten notes and there are no computer-generated notes because they have been converted into the DEA-6. You have that DEA-6. None of the other agents at the proffer took notes.

I believe this addresses your questions/concerns. If not, please let me know.

Sincerely,
Jason

Jason P. Bologna
Assistant United States Attorney
U.S. Attorney's Office for the Eastern District
of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106-4476
(215) 861-8499 (office)
(215) 764-9795 (cell)
(215) 861-8618 (fax)
jason.bologna@usdoj.gov